



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Private Acts of 1935 Chapter 706

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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## Private Acts of 1935 Chapter 706

**SECTION 1.** Planning Commission: Creation and appointment.--The Quarterly County Court (hereinafter designated legislative body) of any County in this State having a population of 300,000 or more inhabitants by the Federal Census of 1930, or by any subsequent federal census, may create a planning commission. The Chairman of the Quarterly County Court, the Chairman of the Board of Commissioners of any such County having a Board of Commissioners, the Commissioner of public roads if there be such Commissioner, the County Engineer if there be a County Engineer, and the Chairman of the Planning Commission of each municipality in such Counties, where there are municipal planning commissions within such Counties, shall be exofficio members of the commission. The legislative body shall appoint five (5) citizen members of such commission who shall be residents of said County, and whose term of office shall be three (3) years, except that the respective terms of the five (5) citizen members first appointed shall be respectively one for one (1) years (year\*), two for two (2) years, and two for three (3) years. Said appointive members shall hold no other public office or position except that any of them may be an appointive member of the municipal, regional, state or other planning commission. All members of the County planning commission shall serve as such without compensation, and shall hold office until their successors are duly appointed and qualified. Any appointive member may be removed for cause by the legislative body of the County, after due notice of charges filed in writing, and after a public hearing. Any vacancy in appointive membership shall be filled by the legislative body for the unexpired term.

**SECTION 2.** County Planning Commission: Organization, Rules, Staff, and Finances.--

The County Planning Commission shall elect from amongst the appointive members a Chairman, whose term shall be for one year with eligibility for reelection, and the commission may create and fill such other offices as it may determine. It shall have the power and authority to appoint such employees and staff as it may deem necessary for its work, and may contract with planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the County Commissioners. The Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Upon request of the commission, the County Commissioners or other County Officials or the Chief Executive officer of any municipality may from time to time, for the purpose of special surveys under the direction of the planning commission, assign or detail to the commission any members of staffs of County or municipal administrative departments, or may direct any such department to make for the commission special surveys or studies requested by the commission.

**SECTION 3.** County Master Plan.--It shall be the function and duty of the County Planning Commission to make and adopt a master plan for the physical development of the unincorporated territory of the County. Any such plan may include the planning of incorporated areas to the extent to which, in the commission's judgment, they are related to the planning of the unincorporated territory or of the County as a whole; provided, however, that the plan shall not be deemed an official plan or part of the official plan of any municipality unless adopted by the municipal planning commission thereof. The master plan of the County, with the accompanying maps, plats, charts and descriptive and explanatory matters, shall show the County planning Commission's recommendations for the development of the territory covered by the plan, and may include, amongst other things, the general location, character, and extent of streets or roads, viaducts, bridges, waterway and water-front developments, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places, and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication, heat, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, or terminals; the general character, location, and extent of community centers, town sites, or housing developments; the general location and extent of forests, agricultural areas, and open-development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban development; a landclassification and utilization program; and a zoning plan for the regulation of the height, area, bulk, location, and uses of buildings, the distribution of population, and the uses of land for trade, industry, habitation, recreation, agriculture, forestry, soil and water conservation, and other purposes.

In addition to such features of the County plan as may come wholly or partially within County jurisdiction the planning commission may incorporate in its master plan similar elements of the plan existed and proposed within municipal and State jurisdiction as have or are likely to bear an important relation to the above County. Such master plan shall be a public record, but its purpose and effect shall be solely as an aid to the planning commission in the performance of its duties.

**SECTION 4.** General Purposes of the Plan.--In the preparation of the County master plan the County planning commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the territory within its jurisdiction. The County master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the County which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, or the general welfare of the inhabitants, as well as efficiency and economy in the process of development, including, amongst other things, such distribution of population and of the uses of land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, and other purposes, as will tend to create conditions favorable to health, safety, transportation, prosperity, civic activities, and recreational, educational, and cultural opportunities; will tend to reduce the wastes of physical, financial, or human resources which result from either excessive congestion or excessive scattering of population; and will tend toward an efficient and economic utilization, conservation, and production of the supply of food and water, and of drainage, sanitary, and other facilities and resources.

**SECTION 5.** Adoption of Master Plan.--The County planning commission may adopt the County master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter which may be included in the plan. *Provided, however,* that the planning commission may report to the legislative body parts of the master plan not embracing the entire area of the County where the public health, safety and welfare may require the adoption of a master plan for such limited unincorporated areas before the completion of the master plan for all unincorporated areas within the County. The commission may from time to time amend, extend, or add to the plan, or carry any part of it into greater detail. The adoption of the plan or any part, amendment, extension, or addition shall be by resolution carried by the affirmative votes of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map or maps and descriptive matter by the identifying signature of the secretary of the commission.

**SECTION 6.** Certification of Plan to Counties and Municipalities and Subsequent Adoption by Municipalities.--The County planning commission shall certify a copy of its master plan or any adopted part or amendment thereof or addition thereto to the legislative body of the County. The County planning commission shall certify such copies to the planning commissions of all municipalities within the County. Any municipal planning commission which receives any such certification may adopt so much of the plan, part, amendment, or addition as falls within the territory of the municipality as a part or amendment of or addition to the master plan of the municipality, and when so adopted, it shall have the same force and effect as though made and prepared, as well as adopted, by such municipal planning commission.

**SECTION 7.** Miscellaneous Powers of the Commission.--It shall be the further duty of a County planning commission to promote the cooperation of the planning commissions of municipalities within the County and the co-ordination of the plans of such municipalities and the co-ordination of such plans with the County plan, and generally to confer with and advise municipal and County executive and legislative officials for the purpose of promoting a coordinated and adjusted development of the County. Any such commission may also advise County commissioners or other County bodies or officers with respect to the formulation of public improvement programs and the financing thereof.

All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The members and employees of the commission, in the performance of its functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary for it to perform its functions and to promote county planning.

**SECTION 8.** Legal Status of Plan.--Whenever any County planning commission shall have adopted a master plan of the County or any part thereof, then and thenceforth no road, park, or other public way, ground, or space, no public building or structure, or no public utility, whether publicly or privately owned, shall be constructed or authorized in the unincorporated territory of the County until and unless the proposed location and extent thereof shall have been submitted to and approved by such County planning commission; provided, however, that in case of disapproval, the commission shall communicate its reasons to the legislative body or other board or commission of the County in which the public way, ground, space, building, structure, or utility is proposed to be located; and such board shall have the power to overrule such disapproval by a vote of not less than two thirds of its entire membership, and upon such overruling said board or other official in charge of the proposed construction or authorization may proceed therewith; *provided further, however,* that if the public way, ground, space, building, structure, or utility be one the authorization or financing of which does not, under the law governing the

same, fall within the province of the legislative body or other county official or board then the submission to the commission shall be by the body or official having such jurisdiction, and the commission's disapproval may be overruled by said body by a vote of not less than two thirds of its entire membership or by said official. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any road, park, or other public way, ground, place, property, or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within thirty days from and after the date of official submission to it shall be deemed approval, unless a longer period by granted by the submitting board, body, or official.

**SECTION 9.** Official Map, and Amendment of Same.--The legislative body of any County is hereby empowered, after receiving the advice of the County planning commission, to adopt and establish an official map of the County showing the highways, freeways, parks, parkways, and sites for public building or works, including subsurface facilities, in the acquisition, financing, or construction of which the county has participated or may be called upon to participate. After the adoption and establishment of such map, as often as such legislative body may deem it for the public interest, such body may change or add to such map or any part thereof. Such map is established to conserve and promote the public health, safety, convenience, or welfare. Before acting thereon in the first instance, and before adopting any amendments thereto, such legislative body, after notice of time and place has been given by one publication not less than seven (7) days before the meeting at which action is to be taken, in a newspaper of general circulation in the county, and after written notice to the official bodies and departments enumerated hereinunder, shall hold a public hearing thereon at which representatives of the County planning commission, the County departments, the municipalities in the County, property owners, and others interested therein shall be heard. Before holding any such public hearing, such legislative body shall submit such proposed change or addition to the County planning commission for its consideration and advice, and shall fix a reasonable time, not, however, less than twenty days, when such county planning commission may report thereon. Upon receipt of such advisory report from the County planning commission, or upon the failure of such commission to report within the time limit so fixed, such legislative body may thereupon act upon the proposed change or addition, but any action adverse to the report of the county planning commission shall require the affirmative recorded vote of the majority of all the members of such legislative body. When approved in whole or in part by the legislative body of any county, such county official map or part thereof, including any such change or addition, shall be deemed to be binding upon the legislative body of the county and the several county departments thereof, and no expenditure of public funds by such county for construction work, or the acquisition of land for any purpose enumerated in section three, shall be made except in accordance with such official map.

Changes in and amendments to the official map may be initiated by the county planning commission and if such changes or amendments be approved by an affirmative recorded vote of the majority of all the members of such commission it shall have the power to fix the time of the public hearing before the legislative body and to give due notice thereof in the same manner as hereinbefore set out where notice is required to be given by the legislative body.

**SECTION 10.** Definitions.--For the purposes of this Act, "unincorporated", means situated outside of cities, towns, villages or other municipal corporations incorporated under any general or special Act of the General Assembly of the State of Tennessee, so that when used in connection with "territory", "areas", or the like, it covers, includes and relates to territory or areas which are not within the boundary of any city, town, or municipal corporation; "incorporated" means situated within cities, towns, villages and municipal corporations incorporated under any special or general law of the General Assembly of the State of Tennessee; the term "municipality", "municipalities", or "municipal" includes or relates to such incorporated municipal corporations; and "council" means the chief legislative body of a municipality whether designate council, commission, board of aldermen, or by any other title.

**SECTION 11.** Should any section or provisions of this Act, or of the regulations adopted pursuant to the authority hereof be held to be unconstitutional or invalid, the same shall not affect the validity of this Act, or of such regulations, as a whole, or any part thereof, other than the part so held to be unconstitutional.

**SECTION 12.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 20, 1935.

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